1949. **File No.** O. Prov. Funds
Legal Department 49

K

A **BRANCH**

Subject:— Opinions under the Provident Funds Act — 1925

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C O N T E N T S.

Legal Department File No. G.Prov. Funds/49

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1.	~~864~~ 13/1/49 ~~3813~~ 11/4/49	Investing Provident Fund in National Saving Certificates by Municipal School Board, Ahmednagar-- Whether it is necessary to apply Provident Funds Act, to it and to amend rule 7 of its rules allowing such investment.	1-4.
	~~10640~~ 12/7/49 ~~8549~~ 29/7/49	Recognition of guardianship certificates granted in Kolhapur State whether there is any legal objection to the course suggested that the certificate should be countersigned by the Chief Administrator Kolapur, as to it genuiness	5-8
2.	14325 2/9/49 ~~18736~~ 11/11/49	Whether the provisions of the P.F.Act can be extended to S.J. Institute of Learning and Research and whether separate rules for the employees of the Institute should be framed.	9-12.

JPE.6/6/50
6 copies.

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Legal Department

Submitted.

In his opinion No.9242 dt.30/9/48, the R.L.A. held that it would be competent for the Municipal School Board, Ahmednagar to invest its Prov.Fund in the National Savings certificates provided (1) Govt. applies the Prov, Fund Act, 1925, to it and (2) rule 7 of its rules is amended allowing such investment. By E & I.D. notifn. No.S.76(2)(40) dt. 25/10/48, issued under sec. 8(2) ofthe Prov.Funds Act, 1925, provisions of this Act were applied to the Prov. Fund established for the employees of the Municipal School Board, Ahmednagar. The Chairman, Municpal School Board, Bandra inquires why this notifn. was issued when by G.R.E.B. No.76 dt.30/3/1931 it is ruled that funds established by local authorities under the Bom. Primary Educ. Act, 1923 for their school board employees come under the definition of "Govt. Provident Fund" given in Sec. 2(d) of the Act. P.F.S.D. to whom the fund is to be treated as a Govt. Prov. Fund it will automatically be covered by the provisions of the Act and no specific extention of the Act is necessary; and in that case notifn. No.S.76(2)(40) dt.25/10/48 will have to be cancelled.

If the papers were referred to P.F.S.D. they would have stated that it was under Sec 2(d)

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4 copies.

Office of the R.L.A.

Investing Prov. Fund in National Saving Certificates.

Provident Funds Act, 1925.

Seen and returned.

The view taken by the Political and Services Department is correct.

Id/- P.M.L.
8/4/

Remembrancer of Legal Affairs.

U.R. to E.& I.D.,No.3913, dated the 11th April 19..

JPE.6/6/56

ubmitted:

2. One Head Constable Babu Sitam Rame of the Bombay City Police Force who was a subscriber to the Bombay Government Provident Fund died on 5-4-1946 leaving a minor son whom he had by his declaration dated 9-10-1942 nominated to receive the fund money in the event of his death. The nominee being a minor the payment of the fund is to be madeunder section 4(1)(a) of the Provident Fund Act to a person authorised by law to receive the payment on his behalf. The party claiming the amount on behalf of theminor nomee has produced a guardianship certificate granted by a Court in Kolhapur State. The A.G. has forwarded the guardianship certificate to Government and requested whether it should be accepted for disposal of the fund money. The P. & S.D. is inclined to accept it provided it is countersigned by the Chief Administrator, Kolhapur as to its genuineness and as to the competency of the Court granting it as was formerly done by the Political Agent of the State concerned.

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4 copies.

OFFICE OF THE R.L.A.

Recognition of guardianship certificates granted in Kolhapur State.

Seen andreturned.

There would be no legal objection to following the course suggested by P. & S.D. If in the meantime there is a complete merger of Kolhapur State in the Province of Bombay thex certificate produced by the guardian may be recognized without any further formality as there would in that event be no Administrator.

Id/- P.M.L.
27/7

Remembrancer of Legal Affairs.

U.R. to P. & S.D. No. 8549, dated 29th July 1949.

JPR.6/6/56.
4 copies.

R.L.No.14295-
Dated 2nd September 1949.

Submitted.

2, The Gujarat Vidya Sabha, Ahmedabad, a society registered under Societies Registration Act 1860 (XXI of 1860) conducts the following institutions:-

(1) TheSeth Bhelabhai Jeshingbhai Institute of Learning and Research an institutke coaching students for M.A. andPh D aided by Government and affiliabed to the Bombay University;

(2) Brahma chalwadi Sanskrit Path-Shala (affiliated to the Benares Queen's College;

(3) Twe girls schools : Rao Bahadur Ranchhoddas Chhotala Khadia Girls School; and Divalibai Girls' School; imparting primary and Secondary eduction;

(4) Three libraries; Seth Manilal Ranchhodas Library; Bai Manula Free Circulating Library; and Laxmibai Women's Library; and

(5) a Central Office of the Sabha.

For mdoing thmese activities the Sabha engaged quite a large number of employees and has started a provident Fund for their benefit The Honorary Secretary of the Sabha, Lady Vidyagouri R. Nilkanth has approached Govt., for extendingx the provisions of the Provident Funds Act, (XIX of 1925) to the employees and requested sanction for the draft Provident Fund Rules framed by the Sabha in this behalf.

The D.P.I. on this case remarks as follows:

"The main idea in submitting the Provident Fund Rules for the approval of Government is apprantly that the expenditure incurred an contribution to the Provident Fund of the employees should be admitted for purposes of Government grant. Since, however, none of the institutions conducted by the Society, except the B.J. Institute of Learning and Research, receives any grant from Government it does not seem necessary to approve the Provident Fund Rules in respect of those institutions. As regards the B.J. Institute of Learning and Research which receives a grant of Rs.12,000/- from Government there is no objection to approving the Provident Fund Rules after they are suitably amended in the light of remarks made in para. 1 above."

He has further observed that as suggested by the P.&S.D. the Sabha may be addressed to approach the Commissioner of Income Tax for recognising the Provident Fund Rules for the employees of institutions other than the B.J. Institute of Learning and Research.

The P. & S.D. is inclined to accept the suggestion of the D.P.I. to extend the provisions of the P.F.Act to the said Institute. But that Department is not sure of the feasibility ofthis proposal since the rules cover all employees of the Sabha. It feels that there shall be separate rules for the employees of the B.J.Institute and that if the Sabha does not what this it can secure its object by approaching the Commissioner of Income Tax for the whole set of rules.

The R.LAA. is requested to advise whether the P. & S.D. view is correct, or whether it would be feasible to extend the benefit of theP.F.Act to the rules framed by the Sabha only so far as they to the employees of the B.J.Institute in the manner proposed by the D.P.I.

OFFICE OF THE R.L.A.

Provident Funds Act, 1925.

Application of to Gujarath Vidya Sabha employees.

The view taken by Political and Services Department at page 33 ante is correct. If the Gujarat Vidya Sabha desires to institute a Provident Fund for the Staff of the B.J.Institute of Learning and Research, which it can do, it will have to frame a separate set of rules applicable to such staff.

Id/- P.M.L.
10/11

Remembrancer of Legal Affairs.

U.R. to P. & S.D.No.12826, dated the
11th November 1949.

J.M.6/6/56.
4 copies.